IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25574 of 1997

Between:

B.Venkatesu S/o B.Papanna
R/o Kothacheruvu Village & Mandal, Anathapur District.

..... PETITIONER

AND

1 Commissioner and Director of School Education, Andhra Pradesh, Hyderabad.
2 The District Educational Officer, Anathapur.
3 The Head Master, Zillaparishad High School, Kothacheruvu (Village & Mandal), Anathapur District.
4 Sri.Appannagari Ramappa, Kothacheruvu (Village & Mandal), Anathapur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or Direction declaring the action of the 1st respondent passed in L.Dis.3230/92-3/97, dt: 3.2.97 as illegal, arbitrary and consequently direct the respondents not to change the name of the ZILLA PARISHAD HIGH SCHOOL, KOTHACHERUVU VILLEGE, ANATHAPUR DISTRICT.

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR SCHOOL EDUCATION

Counsel for the Respondent No.4: MR.N.RANGA REDDY

The Court made the following :

ORDER:

Heard the learned counsel for the petitioner, the learned Government Pleader for School Education and the learned counsel for the fourth respondent.

In this writ petition, the petitioner seeks to declare the proceedings of the first respondent issued in L. Dis.3230/92-3/97, dated 03-02-1997 according permission to rename the Zilla Parishad High School (Boys), Kothacheruvu after the fourth respondent's wife as Appannagari Akkamma Ramappa Zilla Parishad Ahigh School (Boys), Kothacheruvu, Anantapur District, as illegal and arbitrary, and consequently to direct the respondents not to change the name of the school.

The petitioner states that the school in question was established in the year 1950 with the donations collected by a committee formed for that purpose in Kothacheruvu village. Then it was named as Kothacheruvu District Board High School, and later its name was changed as Zilla Parishad High School (Boys). According to him, the impugned proceedings of the first respondent ordering to rename the school after the fourth respondent's wife as per the provisions of G.O. Ms.No.291 Education Department, dated 03-9-1994 on account of 25% estimated cost of the school building i.e. Rs.3.00 lakh donated by the fourth respondent, is illegal and highly arbitrary, inasmuch as the present value of the school building is around Rs.50.00 lakh. Hence, the writ petition.

The fourth respondent filed a counter-affidavit stating that he donated 1/4th cost of the existing building i.e. Rs.3.00 lakh for expansion of the school to accommodate the students on a specific condition that the school has to be named after his deceased wife in pursuance of G.O. Ms. No.291 Education Department, dated 03-9-1994. It is stated that the Executive Engineer, Panchayat Raj, Penugonda estimated the cost of the existing building at Rs.12.00 lakh and the same was approved by the Chief Executive Officer, Zilla Parishad, Ananthapur. Thus, the first respondent

accorded permission by the impugned proceedings to rename the school as Appannagari Akkamma Ramappa Zilla Parishad High School (Boys), Kothacheruvu, Ananthapur District. There is no illegality in the order passed by the first respondent. Thus, he prays to dismiss the writ petition.

It is not in dispute that as per G.O. Ms.No.291 Education Department dated 03-9-1994, a school or a college may be named after the donor, when the donation is 25% of the estimated cost of the building of the institution. Inasmuch as the fourth respondent donated an amount of Rs.3.00 lakh which is 25% of Rs.12.00 lakh, the estimated cost of the school building as assessed by the Executive Engineer, Panchayat Raj, Penugonda and as approved by the Chief Executive Officer, Zilla Parishad, Ananthapur, and in the absence of any material to show that the present value of the school building is nearly Rs.50.00 lakh as stated by the petitioner, the impugned proceedings of the first respondent according permission to rename the school after donor's wife as Appannagari Akkamma Ramappa Zilla Parishad High School (Boys), Kothacheruvu, Ananthapur District, cannot be said to be illegal and arbitrary.

Accordingly, the writ petition is dismissed. No costs.

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N.V. RAMANA, J

Date: 01-4-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner and Director of School Education, Andhra Pradesh, Hyderabad.
2 The District Educational Officer, Anathapur.
3 The Head Master, Zillaparishad High School, Kothacheruvu (Village & Mandal), Anathapur District.

4 Two CCs., to the Government Pleader for School Education, High Court Buildings, A.P., Hyderabad (OUT).

5 Two CD copies